

1894-063 Chancery Causes: George W. Wheeler vs. Nora Colson &c
Lee Co.

Kesterson

CA-Estate Dispute
T-Property

To the Honorable H.S.K. Morison Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining, your Orator, George W. Wheeler will respectfully show to your Honor, that in the lifetime of James M. Wheeler now deceased, he purchased from the said Wheeler a lot or small parcel of land situated near Walnut Hill in said County of Lee and containing (3.44) three and forty four one hundredth acres and bounded as follows, to wit. Beginning at a Cedar on the Main road thence N. 26° 50' W. 22 1-2 poles to a stake: thence N. 61 1-4 E. 26 poles: thence S. 34 E. 18 poles to a stake in the middle of said road, thence with the middle of said road S. 52 1-4 W. 29 1-4 poles to the beginning. Your Orator will further show to your Honor that he paid to the said James M. Wheeler in his lifetime all the purchase price of said tract of land, except the sum of \$----- which he is and has always been ready to pay whenever a conveyance is made to him of said land. Your Orator will now show your Honor that the said Wheeler left surviving him three heirs, to wit, Mollie E. Kesterson wife of C. R. Kesterson James M. Wheeler, and Nora, James, Verdie and Lelia Colson children and heirs at law of Margaret Colson nee Wheeler who died shortly before her father, to whom all his lands descended. Your Orator will now show your Honor that the said James M. Wheeler failed to convey said land in his lifetime, but since his death his two adult heirs, to wit Mollie E. Kesterson and C. R. Kesterson her husband and James M. Wheeler and Mary L. Wheeler his wife have by a deed duly executed and delivered, conveyed to your Orator their undivided interest in said lot or parcel of land: all of which will more fully appear by reference to said deed which is herewith filed as part here of, marked Exhibit "A". The said Nora, James, Verdie, and Lelia Colson are infants and cannot convey their undivided interest in said lot or parcel of land. The object of this bill therefore is to have conveyance made to your Orator of the undivided one third interest of said infants, thus specifically executing the contract of the said James M. Wheeler deceased made in his lifetime. And being without remedy at law, he prays your Honors Court of Chancery to take cognizance of his cause and grant him the proper relief: To this end he makes Nora Colson, James Colson

Verdie Colson and Lelia Colson children and heirs at law of Margaret Cā
Colson nee Wheeler deceased, the parties defendant to this bill, and
prays that they be required to answer the same, but they being infants
of tender years, and unable to answer for themselves he prays that a
guardian ad litem be appointed to answer for them. and that upon a final
hearing that a Commissioner be appointed to convey to your Orator
by proper deed the undivided interest of the said Nora , James, Verdie
and Lelia Colson in said land, And for all proper and general relief.
May Spa. issue &c.

LAST

G. H. Wheeler
vs $\frac{1}{2}$ Bill in Chancery
Moral Colson et al

1893. 2nd Octo, Rules Bill filed
Spa and D. Chisi
" 1st Nov. Rules taken
Last Monday in Octo.
D. N. Coufd & Cause set
for hearing by Juffs

To the Honorable H. S. K. Morrison, Judge of the Circuit Court of
Lee County: Virginia:

The joint answer of Nora Colson, James Colson, Verdie Colson, and
Lelia Colson, infant heirs at law of Margaret Wheeler, nee Margaret ^{Colson}~~Wheeler~~
~~ler~~, deceased, by E. W. R. Ewing, their guardian ad litem, to a bill in
chancery, filed in this Honorable Court against said wards by George W.
Wheeler.

Respondent neither admits nor denies for his said wards the alle-
gations set forth in the bill aforesaid: but reserves the benefit of all
legal and just exceptions to the same that may hereafter be taken. Be-
ing uninformed as to the truth or falsity of said allegations, your res-
pondent knows of no defense proper for him to make to said bill in the
behalf of his said wards who cannot inform him of any. but this being a
Court of Equity and as such, the peculiar guardian of the rights and in-
terests of infants, your respondent hereby begs leave to place the right
rights and interests of his said wards in the hands of your Honor, being
satisfied that there they will be fully protected. and having answered
said bill as fully as is deemed material, your respondent prays that his
said wards be hence dismissed with their reasonable costs.

E. W. R. Ewing

Guardian ad litem for said infants.

Sworn to before me. Nov
16th 1893 J. A. S. Hyatt D.C.

Nora Colson, et als.

Ads. ^{Ans.} of guar. ad litem

George W. Wheeler.

*Filed Nov. 17/893
J. Alsbyatt DC*

Fer for ans. \$5⁰⁰

G.W.Wheeler

Plaintiff.

vs.

In Chancery.

Nora Colson et als.

Defendants.

This cause came on this day to be heard upon the papers formerly read herein, the report of L.T.Hyatt, Special Commissioner, filed January 26th 1894, and deed filed therewith, and was argued by counsel. And there being no exceptions to said report or said deed, it is adjudged, ordered and decreed that said report and deed, be, and they are each hereby confirmed, and it is further adjudged, ordered and decreed that the said George W.Wheeler pay to the said L.T.Hyatt, Commissioner the sum of \$5.00 for making and executing said deed, *for which execution may issue* and the Clerk of this court will deliver to the said George W. Wheeler said deed filed with Commissioner Hyatt's report and exhibit "A" filed with the original bill upon his leaving a copy in the files of this cause of said exhibit "A" upon his calling for the same. And nothing further remaining to be done in this cause, it is stricken from the docket.

G. H. Wheeler

vs. ~~Deenee~~
Final

Nora Coleou et als

Copied in Chancery

Order Book

Page 65 -

Enter this decree

M. J. M.

Novr. 10 1894.

George W. Wheeler,

Plaintiff,

Vs.

In Chancery.

Nora Colson, et als.,

Defendants.

On motion of the complainant E.W.R. Ewing is appointed guardian ad litem for the infant defendants, the heirs at law of Margaret Colson, deceased, and on motion of the said Ewing, leave is granted him to file his answer as guardian ad litem for Nora, James, Verdie, and Lelia Colson, and said answer is accordingly filed.

Thereupon said bill cause came on to be heard upon the bill of the complainant and exhibit therewith and the answer of the infant defendant by E.W.R. Ewing their guardian ad litem, and general replication thereto and was argued by counsel; on consideration whereof, the court is of opinion that the said complainant is entitled to a deed for the lot of land in the bill and proceedings mentioned. It is therefore adjudged, ordered and decreed that L. T. Hyatt who is hereby appointed a special commissioner for the purpose, do convey by deed with covenants of special warranty, the undivided one-third interest of the said Nora, James, Verdie, and Lelia Colson in the lot or tract of land described in exhibit "A" filed with the complainant's bill. Said commissioner will report his action to a future term of this Court. And it is further adjudged ordered and decreed that the complainant pay the costs of this suit ~~out of any funds in his hands~~ out of the amount still due from him to the estate of James M. Wheeler, deceased for said land, and the residue if anything he will pay to the administrators of the said Wheeler, and this cause is continued.

George W. Wheeler,

Vs. } Decree,

Nora Colson, et als.

Entered Ch. O.B. p. 543
Nov. 17th 1893.

Enter this decree
H.S.K.M.
Sept 17th 1893.

George W. Wheeler,

Plaintiff.

vs.

In Chancery.

Nora Colson et als.

Defendants.

To the Honorable H.S.K. Morrison, Judge of the Circuit Court
of Lee County, Virginia:

Your undersigned Special Commissioner, having been appointed
by a decree, entered in the above styled cause on the 17th day
of November 1893, for the purpose, begs leave to report that, ac-
cording to the requirements of said decree, he has made executed
and acknowledged for record a deed of conveyance, by which he
has conveyed to George W. Wheeler the ine third interest in the
tract of land in the bill and proceedings mentioned according
to its proper metes and bounds with covenants of special war-
ranty, and the same is filed herewith for inspection and appro-
val.


Respectfully Submitted,

January 25th 1894.

L. J. Hyatt

Special Commissioner.

George W. Wheeler.

vs.  Com'r's Report.

Nora Colson et als.

Filed January 26th 1894
A. B. Munsey
Clerk

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Nora bolson, James bolson,

*Verdie bolson and Lelia bolson children
and heirs at law of Margaret bolson
nee Wheeler deceased*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

October.....next, being rule day to answer a bill in Chancery exhibited in our said Court against
them..... by *George W. Wheeler*.....

And have then and there this writ.

Witness, *A B Munsey* Clerk of said Court at the Courthouse.

This *23rd* day of *September* 18*93*, in the 11 *8th* year of the Commonwealth.

A B Munsey Clerk.

A Copy Teste

A B Munsey Clerk.

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON *Nora Colson, James Colson,*

Verdie Colson, and Selia Colson. Children
and heirs at law of Margaret Colson
Nee Wheeler deceased

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

October next, being rule day, to answer a bill in Chancery exhibited in our said Court against
..... *them* by *George W. Wheeler*

And have then and there this writ.

A.B. Munsey
Witness, *J. A. G. Hyatt*, Clerk of said Court at the Courthouse.

This..... *23rd* day of..... *September*..... 18*93*, in the 11 *8th* year of the Commonwealth.

A.B. Munsey Clerk.

A Copy Teste..... *A.B. Munsey* Clerk.

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Nora Bolson, James Bolson
Verdie Bolson and Lelia Bolson
Children and heirs at law of Margaret
Bolson nee Wheeler deceased

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

October next, being rule day to answer a bill in Chancery exhibited in our said Court against

..... *them* by *George W. Wheeler*

And have then and there this writ.

APB Munsey
Witness, *J. A. G. Hyatt*, Clerk of said Court at the Courthouse.

This..... *23rd* day of *September* 18*93*, in the 11 *8th* year of the Commonwealth.

APB Munsey Clerk.

A Copy Teste. *APB Munsey* Clerk.

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Nora Bolson James Bolson
Verdie Bolson and Lelia Bolson
Children and heirs at law of Margaret
Bolson nee Wheeler deceased

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

October next, being rule day to answer a bill in Chancery exhibited in our said Court against

Them by *George W. Wheeler*

And have then and there this writ.

A B Munsey
Witness, *J. A. G. Hyatt*, Clerk of said Court at the Courthouse.

This *23rd* day of *September*, 18*93*, in the 11 *8th* year of the Commonwealth.

A B Munsey Clerk.

A Copy Teste *A B Munsey* Clerk.

The Commonwealth of Virginia,

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON.

Nora Colson James Colson
Verdie Colson and Lelia Colson
Children and heirs at law of
Margaret Colson nee Wheeler deceased

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

October next, being rule day to answer a bill in Chancery exhibited in our said Court against
..... *them* by *George W. Wheeler*

And have then and there this writ.

Witness, *A. B. Munsey*, Clerk of said Court at the Courthouse.

This *23rd* day of *September* 18 *93* in the 11 *th* year of the Commonwealth.

A. B. Munsey Clerk.

A Copy Teste.....Clerk.

109) (Circ) (D & H

George W. Wheeler
vs } Spain Chey

Nora Colson et al

To 1st Oct Rules 1893

Not executed
received to date
Oct 3^d 1893.

J. M. Weston
L.S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

again
WE ^{again} COMMAND YOU, That you summon *Nora bolson James bolson*
Terdie bolson and Selia bolson Children and
heirs at law of Margaret bolson Nee Wheeler
deceased

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *Third* Monday in *October*, 189*3*, to answer a bill in Chancery, exhibited against *Them* in our said court by *George W. Wheeler*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *5th* day of *October* 189*3*, and in the 11 *8th* year of the Commonwealth.

A B Munsey Clerk.

Nora Colson

George W. Wheeler

US.

{ SUBPENA
IN CHANCERY.

Nora Colson et als

Duncan H. Hazatt p. q.

To 2nd October Rules,

Circuit Court.

Executed by delivering office copies of this Sp. to James Colson, Verdie Colson, Lelia Colson and by delivering a like copy thereof to Nora Colson wife of W. L. Colson for Nora Colson and by reading and explaining to her the purport thereof, she being a white person

Over the age of 16 years and a member of the family of the said Nora Colson (being her step mother) she the said Nora Colson being absent from her usual place of abode, all being done on the 13th day of October 1893
J. B. Weston Deputy
for C. E. Flanagan S. L. C.

G. W. Wheeler
vs. ^{Wm} Chauncy
Nora Colson et al.

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77.44
28.02
21.56
20.00

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S 2.00
attly 15.00
~~5.00~~ Paid
\$28.56
5.00
\$23.56

JONES & HYATT
ATTORNEYS AT LAW,
JONESVILLE VA.